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THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.1334 of 2016

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioners/accused Nos.1 to 3 in Crime No.520 of 2015 on the file of the Station House Officer, Mailardevpally Police Station, Cyberabad registered for the offences under Sections 418, 420, 506 and 120B I.P.C.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioners are accused Nos.1 to 3 and the second respondent is the *de facto* complainant in Crime No.520 of 2015.

4. As per the allegations made in the complaint, the petitioners have entered into agreements with the second respondent agreeing to sell two houses bearing Nos.8-13-60/1/A and 8-13-61/6/2 for a total consideration of Rs.1,06,00,000/-. The petitioners also executed revised agreement of sales on 26.07.2013, 24.07.2012 and 26.12.2012 in favour of the second respondent. Both parties entered into a Memorandum of Understanding dated 09.12.2014. It is further alleged that the second respondent paid an amount of Rs.85,00,000/- to the petitioners. The gist of the allegations made in the complaint is that the petitioners are postponing the execution of sale deeds in favour of the second respondent with an ulterior motive to deceive him. It is also alleged that the petitioners have threatened the second respondent with dire consequences.

5. Whether the petitioners have committed the alleged offences or not will come to light during the course of investigation. While exercising the inherent power under Section 482 Cr.P.C., the Court

has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose v. State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

7. The learned counsel for the petitioners submitted that concerned Station House Officer may be directed not to arrest petitioner Nos.1 and 2 till completion of the investigation.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to direct the Station House Officer, Mailardevpally Police Station, Cyberabad, not to arrest petitioner Nos.1 and 2/accused Nos.1 and 2 in Crime No.520 of 2015 till completion of the investigation.

9. With the above direction, the Criminal Petition is dismissed.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

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T.SUNIL CHOWDARY, J

Date: 05.02.2016

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[\[1\]](#) AIR 1960 SC 866

[\[2\]](#) AIR 1992 SC 604

[\[3\]](#) (2009) 3 SCC 78

[\[4\]](#) 2015 (1) ACR 564 (SC)